



DEPARTMENT OF EDUCATION

Applications for New Awards; Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities--Center on Dispute Resolution

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2023 for a Center on Dispute Resolution, Assistance Listing Number 84.326X. This notice relates to the approved information collection under OMB control number 1820-0028.

DATES:

Applications Available: [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

Deadline for Transmittal of Applications: [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

Deadline for Intergovernmental Review: [INSERT DATE 135 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

Pre-Application Webinar Information: No later than [INSERT DATE 5 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], OSERS will post pre-recorded informational webinars designed to provide technical assistance (TA) to interested applicants. The webinars may be found at

www2.ed.gov/fund/grant/apply/osep/new-osep-grants.html.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the *Federal Register* on December 7, 2022 (87 FR 75045) and available at <https://www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs>. Please note that these Common Instructions supersede the version published on December 27, 2021.

FOR FURTHER INFORMATION CONTACT: Carmen Sanchez, U.S. Department of Education, 400 Maryland Avenue, SW, room 5044 Potomac Center Plaza, Washington, DC 20202-5076. Telephone: (202) 245-6595. Email: carmen.sanchez@ed.gov.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote academic achievement and to improve results for children with disabilities by providing TA, supporting

model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

Priority: This competition includes one absolute priority. In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the statute (see sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA); 20 U.S.C. 1463 and 1481(d)).

Absolute Priority: For FY 2023 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Center on Dispute Resolution.

Background:

The Individuals with Disabilities Education Act (IDEA) includes procedural safeguards that are designed to protect the rights of children with disabilities and their parents and to provide parents with mechanisms for resolving, at the earliest point in time, disputes with those who provide services to children with disabilities through IDEA--State educational agencies (SEAs), local educational agencies (LEAs), schools, Part C State lead agencies (LAs), and early intervention service (EIS) providers. The procedural

safeguards include the opportunity to seek a timely resolution of disputes about establishing a child's eligibility under IDEA and providing a free appropriate public education (FAPE) to an eligible child or the appropriate early intervention services to infants and toddlers with disabilities and their families. Thus, IDEA encourages constructive relationships between parents of children with disabilities and those who provide services to children with disabilities by facilitating open communication between the parents and these entities and encouraging early resolution of disputes so that disagreements do not escalate, become adversarial, or result in a delay in identifying and providing needed services to eligible children. IDEA's dispute resolution procedures¹ include provisions for State complaints, mediation, due process complaints, and resolution sessions, as described below. These procedures provide an important means of ensuring that the educational or early intervention needs of children with disabilities are met.

State Complaints. IDEA's State complaint procedures permit parents and other interested individuals or organizations to file a complaint with the SEA or LA to seek resolution of any alleged violations of IDEA.

¹ The IDEA requirements for dispute resolution are in sections 615 and 639 of IDEA (20 U.S.C. 1415 and 1439). The corresponding regulations are in 34 CFR 300.151 through 300.153; 34 CFR 300.500 through 300.519; and 34 CFR 303.430 through 303.449.

Mediation. In mediation, a neutral third party facilitates the resolution of disputes without the need for an adversarial hearing. Thus, mediation is more likely to foster positive relationships between families, educators, and EIS providers than due process hearings (Government Accountability Office, 2003).

Due Process Hearings. In due process hearings, an impartial, knowledgeable decision-maker resolves disputes. Due process hearings can be costly, time consuming, and contentious, and may damage relationships between the parties.

Resolution Session. The resolution session requirement applies to all IDEA Part B due process complaints and to those IDEA Part C due process complaints filed in a State that has elected to adopt the Part B due process hearing procedures. The LEA or the LA convenes a meeting with the parents and relevant members of the child's individualized education program (IEP) or individualized family service plan (IFSP) Team to provide the parents and the agency responsible for providing service to a child with an opportunity to resolve the complaint and avoid a due process hearing.

Early Resolution Practices. In addition to these methods of dispute resolution specifically required under IDEA, there are a variety of informal or "early resolution" practices that can be used to resolve disputes.

Each SEA and LA is responsible for annually reporting data on dispute resolution activity to the Office of Special Education Programs (OSEP) to help determine the extent to which States effectively implement dispute resolution practices. An analysis of national data trends in dispute resolution conducted by the Center for Appropriate Dispute Resolution in Special Education (CADRE) shows over the past 11 years increases in the formal dispute mechanisms of due process complaints and resolution sessions, with the highest increases during the past two years of the COVID-19 pandemic. Written State complaints have remained relatively steady over the same period, while there has been a significant decline in mediation requests during the pandemic after years of growth. The rise of virtual dispute resolution options, particularly for less adversarial options such as facilitated IEP Team meetings and mediation, is a promising by-product of the circumstances posed by the pandemic (CADRE, 2022). However, OSEP's most recent analysis of State annual performance reports (APRs) shows that the average agreement rates for resolution meetings and mediations have trended downward in the last three years (OSEP, 2022).

In addition, a Government Accountability Office (2019) study of five SEAs showed dispute resolution options differed across districts with varying demographics, with a greater portion of high-income districts having more

dispute resolution activity than low-income districts, as well as fewer predominantly Black or Hispanic districts having dispute resolution activity. However, predominantly Black or Hispanic districts with dispute resolution activity had higher rates than predominantly White districts in their States (Government Accountability Office, 2019). OSEP-funded Parent Training and Information Centers and Community Parent Resource Centers (collectively “parent centers”) have noted that lack of awareness of dispute resolution options is prevalent among underserved populations due to language, access, or economic barriers. Additionally, the field has raised concerns about confusion among parents and professionals regarding how IDEA’s dispute resolution options interact with dispute resolution procedures under other Federal laws protecting children with disabilities, such as those prescribed in 34 CFR 104.7 and 104.36 to implement section 504 of the Rehabilitation Act of 1973.

SEAs, LAs, and parent centers continue to require TA on effective dispute resolution strategies, particularly as the COVID-19 pandemic and its aftermath affect dispute resolution options and change dispute resolution systems. In addition, there is a greater awareness of the need for equitable and culturally and linguistically competent dispute resolution systems that are responsive to the needs of all families, and an increased understanding of other

federally required dispute resolution systems that protect the rights of all children with disabilities. The Center will build on existing knowledge to increase the capacity of SEAs and LAs to respond effectively to the dispute resolution challenges posed by the COVID-19 pandemic; develop equitable and culturally and linguistically competent dispute resolution systems; and promote local implementation of equitable early resolution practices.

This absolute priority will advance the Secretary's priorities related to promoting equity in student access to educational resources and opportunities, and meeting students' social, emotional, and academic needs.

Priority:

The purpose of this priority is to fund a cooperative agreement to establish and operate a Center on Dispute Resolution (Center). This Center will provide TA to SEAs, LAs, and OSEP-funded parent centers to support them in working with LEAs and EIS service providers to improve the implementation of the range of dispute resolution options, including methods of dispute resolution required under the IDEA, and early resolution practices.

The Center must achieve, at a minimum, the following expected outcomes:

(a) Increased body of knowledge and dissemination of knowledge on exemplary dispute prevention and dispute resolution practices to meet the needs of parents in

resolving disputes, including culturally and linguistically responsive practices, and the interaction of IDEA dispute resolution systems with dispute resolution systems required by other Federal laws protecting the rights of children with disabilities;

(b) Increased capacity of SEAs and LAs to support local implementation of effective and equitable early resolution practices to resolve disputes and thereby decrease requests for State complaints and due process hearings;

(c) Increased capacity of SEAs and LAs to collect, report, and use high-quality dispute resolution data;

(d) Improved capacity of LEAs and EIS providers, through their work with SEAs and LAs, to equitably implement a range of dispute resolution options, including methods of dispute resolution required under IDEA and early resolution practices; and

(e) Improved capacity of OSEP-funded parent centers to provide culturally and linguistically competent TA to parents on the range of effective dispute resolution options.

In addition to these programmatic requirements, to be considered for funding under this priority, applicants must meet the application and administrative requirements in this priority, which are:

(a) Demonstrate, in the narrative section of the application under "Significance," how the proposed project will--

(1) Address gaps or weaknesses in State or local performance under and compliance with dispute resolution requirements to meet the dispute resolution needs of SEA and LA personnel, and LEA and EIS providers (through the SEA and LA), as well as the needs of parents, including those from underserved² populations who may be less likely to utilize dispute resolution due to language, access, or economic barriers. To meet this requirement the applicant must--

(i) Demonstrate knowledge of exemplary and equitable dispute resolution practices that will assist SEAs and LAs in working with LEA and EIS providers to improve dispute resolution, especially practices that will assist agencies, SEAs, and LAs in meeting performance targets specified in their State Performance Plan, implementing effective and culturally and linguistically competent dispute resolution

²Underserved parents include: parents living in poverty; parents of color; parents who are members of a federally or State recognized Indian Tribe; parents who are English learners; parents who experience a disability; disconnected parents; technologically unconnected parents; migrant parents; parents experiencing homelessness or housing insecurity; lesbian, gay, bisexual, transgender, queer or questioning, or intersex (LGBTQI+) parents; foster parents; parents without documentation of immigration status; parents impacted by the justice system, including formerly incarcerated parents and parents of children in the juvenile justice system; parents in need of improving their basic skills or with limited literacy; and military- or veteran-connected parents.

systems and practices in accordance with IDEA dispute resolution requirements;

(ii) Present information about the current level of implementation of exemplary and equitable dispute resolution practices by SEAs and LAs, especially practices that will assist agencies in meeting performance targets and implementing effective and culturally and linguistically competent dispute resolution systems and practices in accordance with IDEA dispute resolution requirements; and

(iii) Present national, State, or local data on the financial and administrative burden of involvement in dispute resolution and discuss strategies for minimizing these burdens for all parties involved;

(2) Improve outcomes in dispute resolution system performance for SEAs and LAs, and increase the implementation of early resolution practices by LEAs and EIS providers;

(3) Increase the understanding by SEAs, LAs, LEAs and EIS providers (through the SEAs and LAs), as well as parents, of the interaction of IDEA dispute resolution systems with dispute resolution systems required by other Federal laws protecting the rights of children with disabilities; and

(4) Improve communication between parents and education professionals to minimize conflict and increase

the use of collaborative problem-solving and dispute resolution practices that are culturally and linguistically competent.

(b) Demonstrate, in the narrative section of the application under "Quality of project services," how the proposed project will--

(1) Ensure equal access and treatment for members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. To meet this requirement, the applicant must describe how it will--

(i) Identify the needs of the intended recipients for TA and information; and

(ii) Ensure that services and products meet the needs of the intended recipients of the grant's TA;

(2) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide--

(i) Measurable intended project outcomes; and

(ii) In Appendix A, the logic model (as defined in 34 CFR 77.1) by which the proposed project will achieve its intended outcomes that depicts, at a minimum, the goals, activities, outputs, and intended outcomes of the proposed project;

(3) Use a conceptual framework (and provide a copy in appendix A) to develop project plans and activities,

describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework;

Note: The following websites provide more information on logic models and conceptual frameworks:

https://osepideasthatwork.org/sites/default/files/2021-12/ConceptualFramework_Updated.pdf and www.osepideasthatwork.org/resources-grantees/program-areas/ta-ta/tad-project-logic-model-and-conceptual-framework.

(4) Be based on IDEA requirements for dispute resolution systems, including the interaction of IDEA dispute resolution systems with dispute resolution systems required by other Federal laws protecting the rights of children with disabilities, and current research, and make use of evidence-based³ practices (EBPs). To meet this requirement, the applicant must describe--

(i) The current research on effective and culturally and linguistically competent dispute resolution practices;

(ii) The current research on early resolution EBPs;

³ For the purposes of this priority, "evidence-based" means, at a minimum, evidence that demonstrates a rationale (as defined in 34 CFR 77.1), where a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

(iii) The current research about adult learning principles and implementation science that will inform the proposed TA; and

(iv) How the proposed project will incorporate current research and practices in the development and delivery of its products and services;

(5) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this requirement, the applicant must describe--

(i) How it proposes to identify or develop the knowledge base on--

(A) Special education and early intervention dispute resolution and culturally and linguistically competent dispute resolution;

(B) Annual State and national dispute resolution trends; and

(C) The interaction of IDEA dispute resolution systems with dispute resolution systems required by other Federal laws protecting the rights of children with disabilities;

(ii) Its proposed approach to universal, general TA,⁴ which must identify the intended recipients, including the

⁴ "Universal, general TA" means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of

type and number of recipients, that will receive the products and services, a description of the products and services that the Center proposes to make available, and the expected impact of those products and services under this approach;

(iii) Its proposed approach to targeted, specialized TA,⁵ which must identify--

(A) The intended recipients, including the type and number of recipients, that will receive the products and services, a description of the products and services that the Center proposes to make available, and the expected impact of those products and services under this approach; and

(B) Its proposed approach to measure the readiness of potential TA recipients to work with the project, assessing, at a minimum, their current infrastructure, available resources, and ability to build capacity at the local level;

TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's website by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

⁵ "Targeted, specialized TA" means TA services based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

(6) Develop products and implement services that maximize efficiency. To address this requirement, the applicant must describe--

(i) How the proposed project will use technology to achieve the intended project outcomes;

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration; and

(iii) How the proposed project will use non-project resources to achieve the intended project outcomes; and

(7) Develop a dissemination plan that describes how the applicant will systematically distribute information, products, and services to varied intended audiences, using a variety of dissemination strategies, to promote awareness and use of the Center's products and services.

(c) In the narrative section of the application under "Quality of the project evaluation," include an evaluation plan for the project developed in consultation with and implemented by a third-party evaluator.⁶ The evaluation plan must--

(1) Articulate formative and summative evaluation questions, including important process and outcome evaluation questions. These questions should be related to

⁶ A "third-party" evaluator is an independent and impartial program evaluator who is contracted by the grantee to conduct an objective evaluation of the project. This evaluator must not have participated in the development or implementation of any project activities, except for the evaluation activities, nor have any financial interest in the outcome of the evaluation.

the project's proposed logic model required in paragraph (b)(2)(ii) of this notice;

(2) Describe how progress in and fidelity of implementation, as well as project outcomes will be measured to answer the evaluation questions. Specify the measures and associated instruments or sources for data appropriate to the evaluation questions. Include information regarding reliability and validity of measures where appropriate;

(3) Describe strategies for analyzing data and how data collected as part of this plan will be used to inform and improve service delivery over the course of the project and to refine the proposed logic model and evaluation plan, including subsequent data collection;

(4) Provide a timeline for conducting the evaluation, and include staff assignments for completing the plan. The timeline must indicate that the data will be available annually for the APR; and

(5) Dedicate sufficient funds in each budget year to cover the costs of developing or refining the evaluation plan in consultation with a "third-party" evaluator, as well as the costs associated with the implementation of the evaluation plan by the third-party evaluator.

(d) Demonstrate, in the narrative section of the application under "Adequacy of resources and quality of project personnel," how--

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to carry out the proposed activities and achieve the project's intended outcomes, to include those with legal expertise in special education dispute resolution;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities; and

(4) The proposed costs are reasonable in relation to the anticipated results and benefits.

(e) Demonstrate, in the narrative section of the application under "Quality of the management plan," how--

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe--

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Key project personnel and any consultants and subcontractors will be allocated and how these allocations are appropriate and adequate to achieve the project's intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality, relevant, and useful to recipients; and

(4) The proposed project will benefit from a diversity of perspectives, including those of families, educators, TA providers, researchers, and policy makers, among others, in its development and operation.

(f) Address the following application requirements.
The applicant must--

(1) Include, in Appendix A, personnel-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(2) Include, in the budget, attendance at the following:

(i) A one and one-half day kick-off meeting in Washington, DC after receipt of the award, and an annual virtual planning meeting with the OSEP project officer and other relevant staff during each subsequent year of the project period.

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project

officer and the grantee's project director or other authorized representative;

(ii) A two and one-half day project directors' or other OSEP conference in Washington, DC during each year of the project period; and

(iii) One annual two-day trip to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP;

(3) Include, in the budget, a line item for an annual set-aside of 5 percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with, and approved by, the OSEP project officer. With approval from the OSEP project officer, the project must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period;

(4) Maintain a high-quality website, with an easy-to-navigate design, that meets government or industry-recognized standards for accessibility;

(5) Ensure that annual project progress toward meeting project goals is posted on the project website; and

(6) Include, in Appendix A, an assurance to assist OSEP with the transfer of pertinent resources and products and to maintain the continuity of services to intended TA

recipients during the transition to a new award at the end of this award period, as appropriate.

References:

Center for Appropriate Dispute Resolution in Special

Education (CADRE). (2022). *Trends in dispute resolution under the Individuals with Disabilities Education Act (IDEA)*. CADRE.

www.cadreworks.org/resources/cadre-materials/2020-21-dr-data-summary-national.

Government Accountability Office. (2003). *Numbers of formal disputes are generally low and States are using mediation and other strategies to resolve conflicts* (GAO Publication No. 03-897). Government Printing Office.

Government Accountability Office. (2019). *IDEA dispute resolution activity in selected States varied based on school districts' characteristics* (GAO Publication No. 20-22). Government Printing Office.

Office of Special Education Programs (OSEP). (2022). *2022 Part B FFY 2020 SPP/APR Indicator Analysis Booklet*. OSEP. <https://sites.ed.gov/idea/files/PartB-IndicatorAnalysis-FFY2020.pdf>.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities. Section 681(d) of IDEA, however,

makes the public comment requirements of the APA

inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1463 and 1481.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: \$750,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in

FY 2024 from the list of unfunded applications from this competition.

Maximum Award: We will not make an award exceeding \$750,000 for a single budget period of 12 months.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. Eligible Applicants: SEAs; State LAs under Part C of the IDEA; LEAs, including public charter schools that are considered LEAs under State law; IHEs; other public agencies; private nonprofit organizations; freely associated States and outlying areas; Indian Tribes or Tribal organizations; and for-profit organizations.

2. a. Cost Sharing or Matching: This competition does not require cost sharing or matching.

b. Indirect Cost Rate Information: This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see www2.ed.gov/about/offices/list/ocfo/intro.html.

c. Administrative Cost Limitation: This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles

described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. Subgrantees: Under 34 CFR 75.708(b) and (c), a grantee under this competition may award subgrants--to directly carry out project activities described in its application--to the following types of entities: institutions of higher education, nonprofit organizations suitable to carry out the activities proposed in the application, and other public agencies. The grantee may award subgrants to entities it has identified in an approved application or that it selects through a competition under procedures established by the grantee, consistent with 34 CFR 75.708(b)(2).

4. Other General Requirements:

(a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants for, and recipients of, funding must, with respect to the aspects of their proposed project relating to the absolute priority, involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. Application Submission Instructions: Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the *Federal Register* on December 7, 2022 (87 FR 75045) and available at <https://www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs>, which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on December 27, 2021.

2. Intergovernmental Review: This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

3. Funding Restrictions: We reference regulations outlining funding restrictions in the Applicable Regulations section of this notice.

4. Recommended Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 70 pages and (2) use the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.

- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the recommended page limit does apply to all of the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

V. Application Review Information

1. Selection Criteria: The selection criteria for this competition are from 34 CFR 75.210 and are listed below:

(a) Significance (10 points).

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(ii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

(b) Quality of project services (35 points).

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework.

(iii) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice.

(iv) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(v) The extent to which the TA services to be provided by the proposed project involve the use of efficient strategies, including the use of technology, as appropriate, and the leveraging of non-project resources.

(c) Quality of the project evaluation (20 points).

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies.

(iii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(d) Adequacy of resources and quality of project personnel (15 points).

(1) The Secretary considers the adequacy of resources for the proposed project and the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of key project personnel.

(ii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(iii) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(iv) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(v) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(e) Quality of the management plan (20 points).

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(iii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project.

(iv) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

2. Review and Selection Process: We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. Additional Review and Selection Process Factors: In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected

for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. Risk Assessment and Specific Conditions:

Consistent with 2 CFR 200.206, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions, and under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

5. Integrity and Performance System: If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about

your integrity, business ethics, and record of performance under Federal awards--that is, the risk posed by you as an applicant--before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

6. In General: In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program

objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. No. 115-232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. Award Notices: If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. Administrative and National Policy Requirements: We identify administrative and national policy requirements in the application package and reference these and other

requirements in the Applicable Regulations section of this notice.

We reference the regulations outlining the terms and conditions of an award in the Applicable Regulations section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. Open Licensing Requirements: Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. Reporting: (a) If you apply for a grant under this competition, you must ensure that you have in place

the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

5. Performance Measures: For the purposes of Department reporting under 34 CFR 75.110, we have established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program. These measures are:

- Program Performance Measure #1: The percentage of Technical Assistance and Dissemination products and services deemed to be of high quality by an independent

review panel of experts qualified to review the substantive content of the products and services.

- Program Performance Measure #2: The percentage of Special Education Technical Assistance and Dissemination products and services deemed by an independent review panel of qualified experts to be of high relevance to educational and early intervention policy or practice.

- Program Performance Measure #3: The percentage of all Special Education Technical Assistance and Dissemination products and services deemed by an independent review panel of qualified experts to be useful in improving educational or early intervention policy or practice.

- Program Performance Measure #4: The cost efficiency of the Technical Assistance and Dissemination Program includes the percentage of milestones achieved in the current annual performance report period and the percentage of funds spent during the current fiscal year.

- Long-term Program Performance Measure: The percentage of States receiving Special Education Technical Assistance and Dissemination services regarding scientifically or evidence-based practices for infants, toddlers, children, and youth with disabilities that successfully promote the implementation of those practices in school districts and service agencies.

The measures apply to projects funded under this competition, and grantees are required to submit data on these measures as directed by OSEP.

Grantees will be required to report information on their project's performance in annual and final performance reports to the Department (34 CFR 75.590).

The Department will also closely monitor the extent to which the products and services provided by the Center meet needs identified by stakeholders and may require the Center to report on such alignment in its annual and final performance reports.

6. Continuation Awards: In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal

financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed under FOR FURTHER INFORMATION CONTACT, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the *Federal Register*. You may access the official edition of the *Federal Register* and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of this Department published in the *Federal Register*, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the *Federal Register* by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Katherine Neas,

Deputy Assistant Secretary.

*Delegated the authority to perform
the functions and duties of the
Assistant Secretary for the Office
of Special Education and
Rehabilitative Services.*

[FR Doc. 2023-02340 Filed: 2/2/2023 8:45 am; Publication Date: 2/3/2023]